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Interim Notions of Statehood in Bosnia-Herzegovina

A Permanent Transition?

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Editors' Note

Writing on Bosnia, Mark Baskin presents a case of a complex international administration ruling over a country in which war was waged among robustly organized armed forces supported by outside powers. Baskin's analysis brings out the dilemmas created when local transitional administrations share power with international actors: the problems of negotiating cumbersome power-sharing arrangements among the indigenous actors are compounded when power is shared, yet again, with the international actors. Baskin argues that by remaining aloof and continuing to characterize themselves as impartial facilitators, international actors miss a critical role to effect more coordination and cooperation. This also means that in Bosnia, the formal responsibility for transformation continues to rest with the affected society. To quote Secretary-General Kofi Annan, "The role of the United Nations is merely to facilitate the process that seeks to dismantle the structures of violence and create the conditions conducive to durable peace and sustainable development."¹



Bosnia-Herzegovina (hereafter referred to as Bosnia) is emblematic to thinking about interim regimes: it has served as the poster child for the failures of international intervention and the frustrations of reconstruction. The war in Bosnia was a crisis for the international community—for

1. United Nations Secretary-General, "No Exit without Strategy; Security Council Decision-Making, and the Closure or Transition of United Nations Peacekeeping Operations," April 20, 2001, S/2001/394, www.un.org/Docs/sc/reports/2001/sgrep01.htm.

European nations in particular, but also for the United States, North Atlantic security institutions, and the United Nations. The international community reacted slowly and inadequately as war raged in the early 1990s, and following the Dayton Peace Accords of 1995, it met many roadblocks as it sought to mend the war-torn society. The war in Bosnia shaped a generation of UN officials, North Atlantic diplomats and soldiers, and NGO staffers and activists. It led to the establishment of influential nonstate actors such as the International Crisis Group, the European Stability Initiative, and the Institute for War and Peace Reporting, and has been a petri dish for the initial international experiments in post-Cold War humanitarian intervention. Any broader effort to understand the deeper dynamics of interim governance and administration sidesteps examination of the Bosnian experiment only at great peril.²

This chapter explores the underlying dynamics of Bosnia's "permanent transition" that began in the mid-1980s as the Socialist Federative Republic of Yugoslavia (SFRY) began coming apart at the seams. This unraveling included an unresolved constitutional debate, rampant inflation and declining real income, increasing regional inequality, the rise of a complex civil society, and the political squabbling of regional oligarchs—all in the absence of an authoritative central leadership.³ This transition continued throughout the 1991–95 war, which was marked by an extensive, international intervention that failed diplomatically to end the fighting until late summer 1995, with NATO's Operation Deliberate Force. With the implementation of the Dayton Peace Accords that were signed in December 1995, there seems no end in sight to Bosnia's political transition. An exploration of the underlying dynamics of this difficult transition can help both to identify a mechanism that would enable Bosnian institutions to win popular support and external recognition (that is, enhance Bosnia's effective sovereignty) and to develop a framework for addressing other, similar cases facing the "international community" today.

A voluminous policy-oriented literature over the past decade has been carefully assessing internationally driven efforts to establish a viable government in Bosnia.⁴ It seeks approaches to Dayton implementation that are

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2. Richard Caplan, *International Governance of War-torn Territories: Rule and Reconstruction* (Oxford and New York: Oxford University Press, 2005).
 3. Mark Baskin and Paula Pickering, "Yugoslavia and Its Successors," in *Democracy, the Market and Back to Europe: Post-Communist Europe*, ed. Sharon Wolchik and Jane Curry (Rowman and Littlefield, forthcoming); John Lampe, *Twice There Was a Country: Yugoslavia as History* (Cambridge and New York: Cambridge University Press, 2003); and Sabrina Petra Ramet, *Balkan Babel: The Disintegration of Yugoslavia from the Death of Tito to the Fall of Milosevic*, 4th ed. (Boulder, Colo.: Westview Press, 2002).
 4. Among the best examples of work are those by Forian Bieber, Elizabeth Cousens, Susan Woodward, and Richard Caplan, as well as the ongoing accounts provided by the International Crisis Group, the European Stability Initiative, the Institute for War and Peace Reporting, the Bosnian Institute, the United States Institute of Peace, and many other institutes throughout Europe and the United States.

both effective and in accordance with international norms and standards. It explores the implementation of the Dayton Peace Accords as a simple project intended to create an independent, stable, liberal, and democratic government.⁵ Additionally, it addresses the capacity and political will of Bosnian institutions, the capacity of international institutions to compel Bosnians to implement the peace in accordance with the Dayton Accords, the desirability of international versus local ownership of developments, the readiness of Bosnia to join regional organizations such as NATO and the European Union, and the unintended effects of internationally led efforts to build Bosnian institutions.

Only occasionally has this conversation among the Balkan or post-conflict policy communities in capitals and in the field included academic area specialists, who tend to view developments in Bosnia from the bottom up.⁶ Area specialists are familiar with the broader historical, social, and economic contexts in which the political transition is taking place. The middle and older generation of specialists had been working in Bosnia for decades before the war began. Academic specialists often speak Bosnian-Croatian-Serbian fluently, have worked closely with Bosnian and other former Yugoslav academics through the years, and are conversant with Bosnian and international scholarship and culture. Their work has focused on how the range of parties, organizations, and ordinary people have adapted to the developments in post-Dayton Bosnia. Academic area specialists command a uniquely important perspective in their assessments of developments in Bosnia.⁷

The policy-oriented and area-specialist literatures are each rife with disagreements over the nature of social and economic processes, the optimal locus of activity, the quality of the international action, the character of

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5. For two clear and intelligent statements criticizing this approach, see Roland Paris, *At War's End: Building Peace After Civil Conflict* (New York and London: Cambridge University Press, 2004); and Michael Barnett, "Building a Republican Peace, Stabilizing States after War," *International Security* 30, no. 4 (Spring 2006): 87–112. The literature is voluminous.
 6. For the Balkan cases see, for example, Ramet, *Balkan Babel*; Nenad Demetrijevic and Petra Kovacs, eds., *Managing Hatred and Distrust: The Prognosis for Post-Conflict Settlement in Multi-ethnic Communities in the Former Yugoslavia* (Budapest: Open Society Institute, 2004); and Paula Pickering, "Generating Social Capital for Bridging Ethnic Divisions in the Balkans: Case Studies of Two Bosniak Cities," *Ethnic and Racial Studies* 29, no. 1 (2006), 79–103.
 7. Especially useful are Norman M. Naimark and Holly Case, eds., *Yugoslavia and Its Historians: Understanding the Balkan Wars of the 1990s* (Stanford, Calif.: Stanford University Press 2003); Mark Pinson, ed., *Muslims of Bosnia-Herzegovina: Their Historic Development from the Middle Ages to the Dissolution of Yugoslavia* (Cambridge: Harvard University Press, 1993); Robert Donia, *Islam Under The Double Eagle: The Muslims Of Bosnia And Herzegovina, 1878–1914* (Boulder, Colo.: East European Quarterly, distributed by Columbia University Press, 1981); Sarah Kent, "Writing the Yugoslav Wars," *American Historical Review* 102, no. 4 (1997): 1085–1114; and Ivo Banac, "Historiography of the Countries of Eastern Europe: Yugoslavia," *American Historical Review* 97, no. 4 (1992): 1084–1102; Tone Bringa, *Being Muslim in the Bosnian Way: Identity and Community in a Central Bosnian Village* (Princeton: Princeton University Press, 1995); and William G. Lockwood, *European Moslems: Economy And Ethnicity In Western Bosnia* (New York: Academic Press, 1975).

domestic Bosnian factions, and the appropriateness of the outcomes.⁸ It would seem important that these two communities engage each other in the assessment of the Bosnian experiment because both have something important to add to the conversation.

This chapter provides a bridge between these two perspectives on Bosnia's interim governments. It further suggests that systematic disagreements in how international and Bosnian officials think about key principles, values, and interests have impeded the transition from interim to a more permanent government and have lowered the effectiveness of well-intended international efforts to contribute to the development of a stable and democratic regime. It will explore these differing perspectives as background to an account of Bosnia's transition as part of the violent dissolution of socialist Yugoslavia and will then turn to the dynamics governing the interim government that has been in place since the Dayton Peace Accords were signed.

The Bosnian Context

Bosnia presents many complexities. It has long been at the center of major European divisions: between the Eastern and Western Roman Empires, between Eastern Orthodoxy and Roman Catholicism, and between the Habsburg monarchy and the Ottoman Empire. In recent history, the SFRY lay geographically and politically between the two Cold War blocs in Europe.⁹ Bosnia has also long been an object of dispute between Croatian and Serbian nationalists, and discussion over the "real" national identity of the Bosnian Muslims has gone on since the end of the nineteenth century.

The Socialist Republic of Bosnia-Herzegovina was the only republic in the SFRY that was not nominally associated with a single nationality; it was considered a community of nations (Serbs, Croats, and Bosnian Muslims).¹⁰ It

8. David Chandler, *Faking Democracy after Dayton* (London: Pluto Press, 2000) and Gerald Knaus and Felix Martin, "Travails of the European Raj," *Journal of Democracy* 14 (2003): 60–74. See also a debate between Thomas Cushman, Robert Hayden, and Bette Denich that was kicked off by Cushman, "Anthropology and Genocide in the Balkans," *Anthropological Theory* 4 (2004): 5–28.

9. Robert J. Donia and John V. A. Fine Jr., *Bosnia-Herzegovina, A Tradition Betrayed* (New York: Columbia University Press, 1995); Noel Malcolm, *Bosnia, A Short History* (New York: New York University Press, 1996); Ivo Banac, *The Yugoslav National Question* (Ithaca, N.Y.: Cornell University Press, 1984); and Francine Friedman, *The Bosnian Muslims* (Boulder, Colo.: Westview Press, 1996).

10. Substantial numbers of Slavic Muslims are also found in the Sandzak region of Serbia and in Kosovo; they are known as Bosniacs today. The term "Bosniac" is used to describe the Slavic Muslims who live mainly in Bosnia-Herzegovina but also in Serbia, Montenegro, and Kosovo. They had been known as Muslims in a national sense since 1971, but the Congress of Bosniac Intellectuals officially adopted the term "Bosniac" as the name for the people in 1993, and it has been generally accepted among all Slavic Muslims. See Mustafa Imamovic, *Istorija Bosnjaka* (Sarajevo: Preporod, 1998).

was a republic in which three-quarters of the population lived in small cities and rural areas and not in the headline-grabbing cities of Sarajevo, Mostar, or Banja Luka. By the 1960s, the Bosnian Muslims gained formal recognition, first as an ethnic category and then as a nation that was symbolically equal in status to the Yugoslav nations of Serbs, Croats, Slovenes, Montenegrins, and Macedonians.

Bosnia was among Yugoslavia's economically less developed republics and remained a center of orthodox Marxist practice to the end of the socialist era. Under this patina of Leninist unity simmered a series of regionally based and politically complex rivalries that did not provide a basis for a stable political community to emerge. The nasty war in Bosnia-Herzegovina that took place from 1991 to 1995 was one act in the failed drama of the Yugoslav transition from one-party socialism to a liberal, democratic order.

From the late 1940s, the SFRY had pursued a series of political and economic experiments that were intended to place it between Soviet socialism and Western capitalism. A number of policy reforms were initiated, for example, in "market socialism," self-management decision making, non-alignment in foreign policy, "brotherhood and unity" in nationality policy, and political decentralization, or divorcing the League of Communists of Yugoslavia (LCY) from power.¹¹ Despite all these efforts at reforms, governance in Yugoslavia did not become self-regulating. By the 1980s, government performance began to decline measurably—as seen in increasing unemployment, foreign debt, and regional inequality, as well as extrainstitutional political conflict.

This ineffectiveness, particularly following the death of long-time and founding leader Josef Broz Tito, steadily eroded the legitimacy of the Yugoslav regime. By 1989 pressure for comprehensive change in Yugoslavia was great, but no authoritative central figure was able to manage an increasingly diverse and difficult agenda. The central LCY de facto ceased to exist in January 1990 when the Croat and Slovene delegations walked out of its fourteenth Extraordinary Congress after the Serbian bloc rejected a series of Slovene motions for reform without any meaningful discussion. Most former republican communist organizations soon morphed into Social Democratic parties.¹² For the first time since World War II, nationalist ideas were viewed as wholly legitimate, and by 1991, few political or institutional constraints were commonly accepted throughout Yugoslavia. The significant ambitions of nationalist Serb and Croat leaders in Bosnia did not augur well for a peaceful and democratic transition in Bosnia.

11. Dennison Rusinow, *The Yugoslav Experiment, 1948–1974* (Berkeley: University of California Press, 1978); Ramet, *Balkan Babel*; and Baskin and Pickering, "Yugoslavia and Its Successors."

12. Lampe, *Yugoslavia as History*, 354–355; and Ramet, *Balkan Babel*, 54–55.

Bosnia's First Transition

The Yugoslav government barely paused at the precipice of dissolution and war in 1990 and 1991. Elections throughout the federation in 1990 selected republican leaders who were accountable to ethnically based constituencies. These democratically elected leaders did not succeed where the regional communist leaders had earlier failed, namely, in reaching consensus on the architecture of a democratic Yugoslav federation. At this impasse, Slovenian and Croatian leaders held well-orchestrated referenda on independence and began transforming their reserve forces into armies. European mediators failed to prevent a war at this "hour of Europe," and the U.S. government was not sufficiently interested at this early moment to act. Armed conflicts in Slovenia and Croatia in 1991 set the table for the much longer war in Bosnia.

The Slovene government declared independence on June 25, 1991, following careful preparations for defense that effectively stymied an ill-prepared Yugoslav National Army (JNA) offensive. By June 30, Serbian leaders ordered the JNA to prepare to abandon Slovenia. There were eight military and five civilian deaths among the Slovenes, and thirty-nine JNA personnel died. Slovenian independence was formally acknowledged on July 18.¹³

The more difficult conflict in Croatia foreshadowed the war in Bosnia. The Croatian government declared independence on June 26, 1991. Following its initially artful invitation to the leader of the Serb Democratic Party to become a vice president in the Croatian government in the spring of 1990, the Croatian government, led by Franjo Tudjman, awkwardly began firing Serb administrators and police throughout Croatia in the name of achieving ethnic balance in official employment. Armed conflict began in 1990 with a series of skirmishes, and with the aid of JNA officers and arms, the Serbs had consolidated control in the illegally constituted Serb Autonomous Regions by mid-March 1991. Croatian Serbs largely boycotted the Croatian referendum on independence. Former U.S. secretary of state and UN negotiator Cyrus Vance concluded a plan that allowed 13,500 UN troops to deploy to oversee the reintegration into Croatia of the one-third of the republic's territory controlled by Serbs.¹⁴ An estimated twenty thousand people died during the war. Despite European Community (EC) concerns over the Croatian government's treatment of its Serb minority, Germany recognized Croatia's independence in early 1992; the United States and other European governments soon followed.

13. Lampe, *Yugoslavia as History*, 370.

14. See www.un.org/Depts/dpko/dpko/co_mission/unprofor.htm for basic information on UNPROFOR.

International negotiators from the United Nations, the EC, the United States, and Russia presided over three years of inconclusive negotiations between the Croatian government and rebel Serbs, who repeatedly refused to begin talks concerning the reintegration of Serb-held territory into Croatia in accordance with the Vance plan. During the Serb occupation of Croatian territory, hard-line elements of the Serb leadership held out for unification with the Republika Srpska (RS) in Bosnia. These Serb officials regularly traveled to Belgrade for meetings in Yugoslav ministries, and ordinary individuals treated the Serb territories from Knin near the Dalmatian coast to Serbia as a single Serbian social, economic, and political unit.¹⁵ The Croatian government launched two offensives to regain control of most Serb-held territory in May and August 1995 after which approximately three hundred thousand Serbs fled Croatia, many for the RS and many for Serbia.¹⁶

The situation in Bosnia was especially fragile, as its election in November 1990 amounted to an ethnic census. The two reformist offshoots of the LCY lost badly to ethnic parties representing Serbs, Muslims, and Croats. By the autumn of 1991, the delicately balanced coalition government among those three parties broke down, with disputes over Bosnia's relationship to rump Yugoslavia, the departure of the Serb Democratic Party delegation, led by Radovan Karadzic, and the formation of multiple Serb Autonomous Regions with JNA support. Croatian president Tudjman had already discussed the partition of Bosnia-Herzegovina with Serbian president Slobodan Milosevic by March 1991, in an initiative that would betray Croatia's image as a victim of aggression, strengthen the hand in Bosnia of radically nationalist Croats in Herzegovina, and establish the "territorial integrity of the Croat nation in its historic and natural borders" in a way that would expand the Tudjman government's influence in Bosnia and the hard-line Herzegovinian influence in Croatia.¹⁷

Following a referendum that was boycotted by most Serbs in Bosnia, the Bosnian government declared independence. Several Western governments recognized Bosnian independence on April 6, 1992. Serb military campaigns then rapidly led to the capture of about 60 percent of Bosnia's territory, gains that remained basically intact until the end of fighting in the autumn of 1995. In an attempt to homogenize Bosnia's ethnically complex social geography, the Serb military engaged in ethnic cleansing and created prisoner camps. The radical Croatian Defense Council subsequently launched offensives in

15. This observation is based on the author's own work as a UN Civil Affairs Officer in Croatia's Sector North from 1993 to 1994.

16. An estimated nine hundred Serbs were killed in the Croatian offensive against Serb-held Krajina in 1995 See "Croatia, Impunity for Killings after Storm," Amnesty International EUR 64/004/1998 (August 1, 1998), web.amnesty.org/library/index/ENGEUR640041998.

17. Quoted in Branka Magas, "Franjo Tudjman, an Obituary," *Independent*, December 13, 1999, cited in Bosnia Report New Series 13/14 (December 1999-January 2000), www.bosnia.org.uk/bosrep/decfeb00/tudjman.cfm.

Herzegovina and central Bosnia. Radicalized by foreign Muslim volunteers, a Muslim brigade in central Bosnia also committed crimes. Both Serb and Croat forces destroyed Islamic cultural monuments.¹⁸ The war generated 2.5 million refugees and internally displaced persons (IDPs).

The international community proved to be ineffective at ending the war for more than four years. The United Nations Security Council passed more than one hundred resolutions, presidential statements, and presidential letters. It established an arms embargo that de facto favored the well-armed Bosnian Serb Army against the poorly equipped Army of the Republic of Bosnia-Herzegovina, created six poorly defended “safe areas” for civilians, and addressed daily crises in the provision of humanitarian assistance and protection of civilians. Concurrently, diplomatic negotiators from the European Community, the United Nations, and the Contact Group consisting of the United States, Russia, Great Britain, France, and Germany drafted a series of peace plans based on extensive postwar power sharing. This group, however, took few steps to compel the parties to reach agreement and did not intervene in support of the elected Bosnian government. The UN Security Council deployed twenty-six thousand lightly armed troops in the UN Protection Force (UNPROFOR), who were scattered throughout Bosnia during the fighting in support of humanitarian efforts. But these troops were not in a position to compel compliance with the UN mandate and were, in effect, at the mercy of the strongest and boldest party on the ground—the Bosnian Serb Army.

Legacies of the War

Bosnia’s wartime institutional development strengthened informal behavior and a faux traditionalism that has inhibited the postwar political transition. The four years of conflict strengthened informal economies and networks of authority that had earlier emerged at the margins of official Yugoslav socialist institutions.¹⁹ These informal networks wielded real power pragmatically at the expense of very complex formal lines of authority.

The informal networks were rooted in iron triangles among like-minded and regionally based party, government, and enterprise elites that filled in legal and institutional gaps left unfilled by formally endowed Yugoslav orga-

18. For example, the Croatian Defense Council destroyed the beautiful sixteenth-century bridge that united east and west Mostar, and Serb forces destroyed the Ferhadija Mosque in Banja Luka, the largest in Europe.

19. On the local and informal character of the war, see Mart Bax, “Warlords, Priests and the Politics of Ethnic Cleansing: A Case Study from Rural Bosnia and Herzegovina,” *Ethnic and Racial Studies* 23 (2000): 16–36; and more generally, see Stathis N. Kalyvas, “The Ontology of ‘Political Violence’: Action and Identity in Civil Wars,” *Perspectives on Politics* 1 (2003): 475–494.

nizations. In addition, before the war there already existed an extensive set of alternative networks rooted in the massive emigration of Yugoslavs who had departed for jobs abroad as part of the economic reforms of the mid-1960s.²⁰ These multiple informal networks became even more resilient during the war, and they were strengthened by the support of humanitarian assistance and reconstruction aid from Western development agencies. They also thrived on transnational trafficking networks—cars, drugs, and human beings. These networks included a mix of Croats, Bosnians, Serbs, and others who often displayed significantly more interethnic cooperation than do any of the internationally driven post-conflict reconstruction and transition efforts. The networks adapted effectively to the extraordinary wartime and postwar conditions by ensuring that they also address the pressing existential, social, cultural, and material needs of the forgotten majority of ordinary people living at the margins. This approach contrasted with the guiding principles of officially mandated international reconstruction's more abstract references to international legal norms.²¹

Important individuals in these informal networks easily mixed with political leaders in nationalist parties, law enforcement agencies, and both domestic and international administrative networks. In fact, the RS and Croatian Herceg-Bosna quasi-state structures established in the course of the war were offshoots of these informal arrangements that had evolved during the dissolution of prewar Bosnia-Herzegovina. Governments in Zagreb and Belgrade then rendered significant direct assistance to these networks. The three dominant nationalist political parties—Croatian Democratic Union (HDZ), Serbian Democratic Party (SDS), and Party of Democratic Action (SDA)—came to be identified closely with administrative and political power within ethnically dominated entities or quasi-entity. These new parties have assumed a position akin to that of the LCY during the period of socialism; many of the new leaders were themselves former members of one of the more hard-line sections (the League of Communists of Bosnia-Herzegovina) of the LCY.

These informal networks shaped the three Bosnian leaderships that emerged from the fighting and were charged with (1) implementing the

20. William Zimmerman, *Open Borders, Non-Alignment and the Political Evolution of Yugoslavia* (Princeton: Princeton University Press, 1986); Susan Woodward, *Socialist Unemployment: The Political Economy of Yugoslavia, 1945–1990* (Princeton: Princeton University Press, 1995); and Paul Hockenos, *Homeland Calling: Exile Patriotism and the Balkan Wars* (Ithaca, N.Y.: Cornell University Press, 2003); and Mark Baskin, "The Evolution of Policy Communities in Socialist Yugoslavia: The Case of Worker Migration Abroad," *Governance* 2 (1989), 67–85.

21. Mary Kaldor, *New and Old Wars: Organized Violence in a Global Era* (Palo Alto, Calif.: Stanford University Press, 1999); Michael Pugh, "Transformation in the Political Economy of Bosnia since Dayton," *International Peacekeeping* 12 (2005): 448–462; Peter Andreas, "Criminalized Legacies of War, the Clandestine Political Economies of the Western Balkans," *Problems of Post Communism* 51 (May–June 2004): 1–8; and Amra Festic and Adrian Rausche, "War By Other Means: How Bosnia's Clandestine Political Economies Obstruct Peace and State Building," *Problems of Post Communism* 51 (May–June 2004): 27–34.

peace; (2) working directly with the wide array of international military and civilian agencies mandated to implement the agreement; and (3) facilitating a transition to stable civilian rule. It should have been no surprise that individuals in these vital and informal systems of authority would resist international efforts to compel them to find consensus on cosmopolitan political principles that appealed far more to lawyers in Geneva than to their true constituents—the ordinary people in Doboj, Livno, or the Srebrenica displaced persons community. It should also have been no surprise that these leaders, powerful in good measure because of their ties to these informal networks, displayed little acceptance of the universal value of modern liberalism that is rooted in market economies, cultural heterogeneity, and Western-style political pluralism marked by the routine transfer of power among relatively similar and mutually loyal parties.

The war also reinforced the Yugoslav “springtime of the nations” that served as a surrogate for more comprehensive economic and political reform. The violence dramatically decreased genuine empathy among groups and increased the ethnic distance among ordinary Croats, Bosniacs, and Serbs.²² The internationally driven “peace process” actually enshrined the principle of ethnic differences to the point that ethnic identity has become the only remaining legitimate identity on which to act publicly. The delicately balanced and nuanced set of identities—local, regional, republican, professional, ideological, supranational—from which individuals could select in their daily lives has been forever changed. In contrast to the party-imposed “brotherhood and unity” of the socialist era, the militarized enshrinement of contemporary ethnicity and nationality in Bosnia (and in the Balkans more widely) has made interethnic bargaining much more of a zero-sum game than it had been earlier.

As the sense of uncertainty and insecurity has risen, ordinary people have strengthened identification with their ethnic groups as if they were kinship groups. Ethnic identity has provided a sense of symbolic collective security that could mitigate the uncertainty of a very cruel war. These attachments become especially strong among groups of victims, such as refugees, IDPs, organizations of families of missing persons, and others who made great sacrifices during the war. Such groups occupy a sacred political space—as “huddled masses yearning to be free”—as both the constituents of and the shock troops for the political parties acting in the name of the nation. In return, the nationalist parties and governments directly addressed the needs of the victims in ways that often contradicted international legal

22. For a useful survey of several cases, see James D. Fearon and David D. Laitin, “Violence and the Social Construction of Ethnic Identity,” *International Organization* 54, no. 4 (2000): 845–877. On the Balkans, see Anthony Oberschall, “The Manipulation of Ethnicity: From Cooperation to Violence and War in Yugoslavia,” *Ethnic and Racial Studies* 23, no. 6 (2000): 982–1001.

norms. They provided physical security, employment, housing, and economic assistance. The leaders of the international community could only urge the victims to solve their existential problems by engaging in a political process through voting and Western-style advocacy and bargaining in NGOs and other associations.

It would have well served the international leaders who were guiding Bosnia through its transition to pay close attention to the potential social, economic, and political implications of these developments. In their effort to retain the positions and privileges they won during the first transition, these elites appealed to ordinary Bosnians by resting on their familiarity and manipulating the sentiment that "it is better to trust the devil you know than the devil you don't." The internationally driven interim government that emerged from the war would be judged by ordinary Bosnians, above all, on its capacity to resolve their daily security concerns and to provide basic services rather than on its ability to build liberal institutions that resembled those in the developed world.

Internationally Driven Transition at Dayton

The incapacity of the great powers and international organizations to prevent or stop the war during the first half of the 1990s has been well established.²³ U.S. negotiators had succeeded in compelling the Bosnian government and the Croat forces in Herzegovina to cooperate against Serb forces by forming a federation during the war in early 1994, although the Bosnian-Croat Federation (hereafter referred to as the Federation) never realized much of its institutional potential in the period before the Dayton Peace Accords. By mid-1995, Serb forces became increasingly assertive, culminating in their conquest of Srebrenica in the largest single post-World War II European massacre, during which seven thousand to eight thousand people were brutally killed. Soon thereafter, NATO's air intervention and a Bosniac-Croat offensive against the Bosnian Serb Army ended the fighting and resulted in U.S.-led negotiations in Dayton, Ohio, in November 1995. Most estimates hold that between one hundred thousand and three hundred thousand people died in the conflict.

The U.S.-led Dayton negotiations, which resulted in the General Framework Agreement for Peace, involved the principals from the conflict itself only peripherally. The sole Bosnian principal who actively participated in the negotiations was President Alija Izetbegovic, a Bosniac. U.S. negotiators preferred to deal with Serbian president Milosevic and Croatian president

23. See, especially, James Gow, *Triumph of the Lack of Will: International Diplomacy and the Yugoslav War* (New York: Columbia University Press, 1997); and Laura Silber and Allen Little, *The Death of Yugoslavia* (London: Penguin BBC Books, 1996).

Tudjman rather than their Bosnian ethnic subordinates. In any case, RS president Karadzic had already been indicted by the International Criminal Tribunal for the former Yugoslavia (ICTY), and Croat leader Kresimir Zubak was not authoritative among dominant Herzegovinian Croats. Therefore, the two Bosnian leaders played no substantive role in negotiations.²⁴ Although the Serbian and Croatian presidents were not impartial in the overall Balkan conflicts (there were outstanding disagreements over Croatia's Eastern Slavonia and over the Prevlaka Peninsula in the Adriatic, and Serbia sought the lifting of economic sanctions), these two were nevertheless one step removed from the everyday operations of Serb and Croat forces in Bosnia.

In the event, Milosevic and Tudjman assured the U.S. chief negotiator, Richard Holbrooke, that the Bosnian Serbs and Croats would sign an agreement that had been negotiated in their name.²⁵ It turned out, however, that these assurances did not extend to a guarantee that the accords would be implemented. It may be that the two presidents were insufficiently authoritative to compel their subordinates in Bosnia or that they had no intention of compelling their subordinates in the first place. It is certainly the case that the two presidents were personally associated with expansionist policies at the outset of the war, and that only the threat (or reality) of international punishment or the promise of rewards brought them on board with the U.S. negotiators. It is easy to see why the ethnic Serb and Croat leaderships in Bosnia felt little ownership for elements of the accords that compelled them to share power and build a common state and that Milosevic and Tudjman would do little to end this resistance. This was no secret to political analysts who were closely observing developments at the time.²⁶

The Dayton Peace Accords were intended by their framers to be a short-term restoration project that would end the fighting once and for all, facilitate a quick transition to stable rule, and restore Bosnia's multiethnicity.²⁷ The relatively brief accords contained eleven annexes intended to be a comprehensive guide to a quick transition: military aspects and regional stabilization, the establishment of an interentity boundary line, elections, a constitution, provisions for arbitration, human rights, return of refugees, public monuments, public corporations, civilian implementation (that is, the establishment of the Office of the High Representative, or OHR), and public security. The NATO-led Implementation Force (IFOR) of sixty thousand troops was

24. Richard Holbrooke, *To End a War* (New York: Random House, 1998).

25. *Ibid.*, 243, 263.

26. The author wrote several internal notes in late 1995 within the UN Peace Forces that analyzed the political incentives to implement the Dayton Peace Accords in just this way.

27. See Elizabeth Cousens and David Harland, "Post-Dayton Bosnia and Herzegovina," in *Twenty-First-Century Peace Operations*, ed. William J. Durch (Washington, D.C.: United Institute of Peace Press, 2006).

meant to provide a robust backbone to the implementation of the peace. It might have appeared that the transition period of interim governance would be short indeed.

Annex 4 of the accords was the constitution. In the name of building a multiethnic political community and government, the Dayton Peace Accords largely recognized the facts created on the ground by the war and created quasi-consociational power-sharing arrangements that actually reinforced the significance of national identity and that resembled the Yugoslav institutions that were created by the 1974 constitution.²⁸ Post-Dayton Bosnia is an unwieldy configuration of two entities: the RS (49 percent of the territory) and the Federation (51 percent of the territory), each with its own police, army, and powers of taxation. The RS is relatively centralized, while the Federation is composed of ten cantons with substantial autonomy. Of those ten cantons, two are explicitly mixed, five are dominated by Bosniacs, and three are dominated by Croats. Although Croat interests were recognized as equal within the Federation, HDZ leaders in Bosnia never abandoned their goal of a third entity and have acted to build compact Croatian areas with a full complement of Croatian-dominant institutions. The consociational arrangement presumed that the three ethnic leaderships could find consensus on the basic political architecture and rules of the game. In turn, this consensus would then provide a basis for the direct international support and capacity building on which Bosnia-Herzegovina would glide smoothly through a transition to independent statehood. Elections were to be held within nine months of the signing of the accords. All 2.5 million Bosnian refugees and IDPs (over half of Bosnia's prewar population) were supposed to return to their home of origin in security and dignity.²⁹

The international community that was deployed to facilitate the implementation of the Dayton Peace Accords was not a coherent force with developed plans for a transitional regime. Rather, it was presumed that the Dayton political architecture provided a viable framework for an independent Bosnia. NATO's robust IFOR was in a chain of command distinct from civilian agencies. Within a year, the force began drawing down and was renamed the Stabilization Force (SFOR), which subsequently became the EU Force (EUFOR) in December 2004. The civilian agencies were distinct and much more decentralized. Some tasks had multiple agencies and some agencies had multiple tasks, and no mechanisms effectively coordinated the activity in the early period.

28. See Arend Lijphart, *Democracy in Plural Societies* (New Haven, Conn.: Yale University Press, 1980). For an example of the dysfunctions of this strategy in socialist Yugoslavia, see Mark Baskin, "Crisis in Kosovo," *Problems of Communism* 30, no. 2 (March-April 1983): 61-74; and Zimmerman, *Open Borders*.

29. See Robert M. Hayden, "'Democracy' without a Demos? The Bosnian Constitutional Experiment and the Intentional Construction of Nonfunctioning States," *East European Politics and Society* 19 (2005), 226-259.

The OHR coordinated the array of organizations that were overseeing civilian aspects of implementation and a range of distinct agencies. The UN International Police Task Force (UNIPTF) addressed policing, and the UN High Commissioner for Refugees (UNHCR) addressed human rights and the return of refugees. The Organization for Security and Cooperation in Europe (OSCE) was responsible for elections and for regional arms control. The World Bank and the European Commission were responsible for reconstruction. In addition, a range of national agencies—such as the United States Agency for International Development (USAID), the United Kingdom’s Department for International Development, and Germany’s Deutsche Gesellschaft für Technische Zusammenarbeit—played significant roles in giving assistance to Bosnia.

International officials from these organizations played key roles in the domestic affairs of the Bosnian transitional government. Among other elements of influence outlined below, international officials formally assumed key Bosnian posts as governor of the Central Bank and chair of the Provisional Election Commission. In the earliest phases of Dayton implementation, this ad hoc array of agencies had a commanding authority to shape developments with the Bosnian parties but little capacity to use that authority effectively—as would be demonstrated, above all, by the establishment of security in the early stages of implementation.

Security and Power Sharing in the Absence of Consensus

A successful transition to a self-regulating and democratic state would require sufficient security to enable officials and citizens to pursue their livelihoods in physical safety.³⁰ It would also require freedom of movement and freedom of political expression, assembly, and participation. In theory, security is meant to emerge from the systems of policing and judiciary.³¹ Authoritative policing is meant to ensure order, and an effective and fair judiciary is meant to ensure equality before the law.³² The Bosnian security institutions that emerged after the war were not prepared to provide this

30. See Charles Call, “Protecting the People: Public Security Choices after Civil Wars,” *Global Governance* 7, no. 2 (April–June 2001): 151–172.

31. See Mark Baskin, “Some Lessons for Security Sector Reform from Bosnia-Herzegovina and Kosovo,” *Security Sector Reform* (Clementsport, Nova Scotia: Proceedings of the Roundtable on Security Sector Reform, Pearson Peacekeeping Centre, November 29–December 1, 2000), 48–59. More generally, see “Police, Judiciary and Corrections Aspects of Rule of Law,” *Handbook on Multidimensional Peacekeeping*, UN Department of Peacekeeping Operations, Best Practices Unit, pbpu.unlb.org/pbpu/handbook/Handbook7%20Police%20Judiciary%20and%20Corrections.html.

32. Thomas Carothers, “The Rule of Law Revival,” in *Critical Mission: Essays in Democracy Promotion*, ed. Thomas Carothers, 121–130 (Washington, D.C.: Carnegie Endowment for International Peace, 2004).

sort of security. The police forces that emerged during the war were largely special and paramilitary police forces that served the interests of the various warring parties. Many police lacked the basic training and orientation of a civilian police force. Nor were the international police who served in the UN Mission in Bosnia and Herzegovina mandated to meet the initial challenges of providing security, and poor coordination between international military and the civilians diluted the effectiveness of international security for civilians at the outset of Dayton implementation. For well over a year, for example, IFOR explicitly neglected to detain persons indicted for war crimes (PIFWICS) on the pretext that this would amount to mission creep. Similarly, IFOR did little to quell the violence that ensued when parts of Sarajevo were transferred from the RS to the Federation under the terms of the accords, on the pretext that this task fell to civilian agencies. As a result, the first PIFWICS were detained by NATO in July 1997, more than eighteen months after the beginning of Dayton implementation and only after the UN Transitional Authority in Eastern Slavonia supported the ICTY in detaining a PIFWIC in June 1997 and demonstrated that such detentions were not necessarily destabilizing.³³

Additionally, Bosnian civilian police agencies were not prepared to work in a manner that was in accordance with the precepts of the peace agreement. The UNIPTF was assigned the tasks of restructuring and reforming police, monitoring and advising police, and investigating police abuse of human rights. Only later did the UN mission provide assessments of the judiciary that would enable reform. In practice, this meant selecting police, devising training programs, certifying that police were trained and untainted by the past, overseeing police operations of static checkpoints, working with the police to develop community policing, writing reports on human rights abuses, monitoring some trials, establishing a system for registering automobiles, and establishing a state border service. The genuine progress in providing security and rule of law in Bosnia has not yet fundamentally changed the politicized nature of civilian security institutions. Even after the United Nations departed from its mission in policing in 2002, a European-led police mission continued its work in Bosnia, with little end in sight.

External efforts at police reform provide a useful lens through which to view some broader difficulties of the transition. It proved much easier to compel contending parties to sign agreements than it was to put them into

33. The UN secretary-general reported that "IFOR declined to undertake any task it considered would draw it beyond the limits of its mandate into policing or law and order functions, and IPTF, an unarmed, monitoring, and advisory force, has no mandate to take action to maintain law and order." See "Report of the Secretary-General Pursuant to Resolution 1035 to the Security Council," March 29, 1996, S/1996/210, 10. This is consistent with the comments of the IFOR spokesman at the time: "IFOR is not going to put itself in a position where it becomes the de facto police force in the area. We have resisted that, we will not do that" (www.nato.int/ifor/trans/t960318a.htm).

practice. The plans for “democratic policing” drafted at the April 25, 1996, Bonn-Petersberg Conference were supposed to be implemented by September of that year. This agreement was made during the UN mission’s honeymoon period, when the relative strength of international officials vis-à-vis local officials was at its peak. But there were no provisions to ensure implementation of the plan or to compel Bosnian police authorities to give their genuine support to policies that were designed by international officials. Although Federation officials resisted implementing the Bonn-Petersberg Declaration over the years, the declaration has continued to provide the benchmark against which all goals in Bosnia are measured.

The declaration’s ambitious formula of ethnic representation (the ethnic composition of the police was to reflect the population in the 1991 census) provided the initial basis for far more difficult negotiations, which in turn led to the December 1998 Framework Agreement for the Republika Srpska on Police Restructuring. These latter negotiations passed through two iterations under two different special representatives of the secretary-general. The negotiations took place initially against the background of several elections, the wartime RS leadership’s political fragmentation, violent conflict among police loyal to one of the two groups, and increasing international impatience with the RS’s recalcitrance.

More recently, the OHR drove the development of a more politically comprehensive police reform that is intended to compel police in the RS and the Federation to cooperate closely together.³⁴ Following the tortuous process of winning initial RS approval for the plan, its implementation has been overseen by a Directorate for Police Restructuring, under the watchful eye of the EU Police Mission.³⁵ But the RS authorities have consistently defended their core goals of national sovereignty. They invoke the sanctity of the Dayton Peace Accords in their refusals to implement these internationally driven reforms that promise to diminish the political power of the entity-based officials, especially when they are conflated with constitutional reform initiatives that seek to diminish the entities’ authority on many matters of administration. To complicate matters further, the UN IPTF’s vetting of police

34. See the decision of the High Representative in July 2004, www.ohr.int/ohr-dept/rule-of-law-pillar/prc/prc-key-doc/default.asp?content_id=34149. See also the “Final Report on the Work of the Police Restructuring Commission of Bosnia and Herzegovina” (Sarajevo: Police Restructuring Commission, December 2004), www.ohr.int/ohr-dept/press/pic/police-campaign/.

35. On the “Directorate for Police Restructuring Implementation in BiH,” see the Web site of the EU Policing Mission, www.eupm.org/Clanci.asp?ID=653&lang=eng.

prior to 2003 has been seriously called into question by the OHR and by the Bosnian government.³⁶

Efforts to enhance security-sector reform point to some common threads in the broader international efforts to support the development of a stable state. The first concerns goals. The local parties look at all internationally proposed changes through the lens of their enduring wartime goals. This means that Bosniac leaders insist that central institutions be strengthened and that they have a prominent position in the emerging institutions. RS leaders act to preserve the sanctity of the entities against the encroachment of central, civic, and non-Serbian institutions, and they continue to focus on a special relationship with the Republic of Serbia. Croat HDZ leaders continue to find the opportunity to support the development of a third entity and to focus on cantons and municipalities where they can play a dominant role.

Analysts in the international community have long described this Bosnian intransigence as a “culture of impunity,” one that has been enhanced by the fact that the nationalist Bosnian leaders have been better prepared for the negotiations than the international officials. Many of the Bosnians—hardliners and moderates—have studied abroad, speak foreign languages, and are broadly familiar with the cultures and approaches taken by international officials. Conversely, many international officials are poorly informed about Bosnian history, language, or ethnography. In the early years of the deployment, they knew little about the principles or practice of post-conflict operations, and they lacked empathy for the people with whom they were working. It was generally the case that international officials chose not to develop meaningful contact with their national partners in favor of collaborations and friendships with other international officials. This increasing “social and cultural distance” does not work in the interest of developing a stable transitional government.³⁷

Power Sharing in the Absence of Consensus

The establishment of security provides the foundation, but the heart of the transition is in the formula for power sharing and, thereby, a multiethnic Bosnia resting on modern principles of administration and state organization. As we have seen, however, the formula for power sharing in the Day-

36. See Tihomir Loza, “Bosnia: Police Reform Held Hostage,” *Transitions Online*, no. 3 (2007), www.ceeol.com/aspx/issuedetails.aspx?issueid=7f399f52-7c51-45e4-924f-ac45ac6cd768&articleId=fc42be58-42e5-4835-a9e0-36433c596609. See also European Stability Initiative, “On Mount Olympus, How the UN Violated Human Rights in Bosnia and Herzegovina, and Why Nothing Has Been Done to Correct It,” February 10, 2007, www.esiweb.org/pdf/esi_document_id_84.pdf.

37. Cf. Jared Chopra and Tanje Hohe, “Participatory Intervention,” *Global Governance* 10 (2004): 289–305; and Jared Chopra, “The UN’s Kingdom of East Timor,” *Survival* 42 (2000): 27–39.

ton Peace Accords was rooted in an unwieldy constitution with ineffective state institutions that were dominated by the ethnically based SDA, HDZ, and SDS.³⁸ None of these parties had changed its political goals appreciably with the end of the war, and “Dayton Institutions” provided few incentives to abandon ethnically defined goals. The Dayton framers believed that elections would provide the basis for achieving a genuine political breakthrough.

The first elections that took place just nine months after the initial deployment in September 1996 hardly favored a political breakthrough in accordance with the Dayton Peace Accords. And there the many subsequent elections for state-level, entity-level, and local-level government offices have usually disappointed as well. “Electoralism,” the idea that holding elections will jump-start the democratic process, has had the reverse of its intended effect. Indeed, electoralism has heightened interethnic tensions in Bosnia.³⁹ Since ethnically based parties rarely win votes from other groups, party leaders have strong incentives to make radical appeals to ensure a greater turnout of their own group.⁴⁰

Liberal internationalists had taken some hope that the ethnic party system would change because the nationalists began to win increasingly narrow victories, and by the 2000 elections international officials had convinced diverse social democratic forces to unite behind the Social Democratic Party–led Coalition for Change. However, the coalition’s efforts at comprehensive reform failed because of internal bickering and opposition from exclusivist elements that had been forged during the war. In the RS, the Party of Independent Social Democrats remains a regionally based Serbian moderate party that has been willing to enter into meaningful dialogue with Bosniac and international officials as long as the existence of the RS itself is not brought into question. But the party has come a long way from its moderate, anti-SDS positions that won it considerable external support as it emerged in opposition to Karadzic’s SDS in the late 1990s. Although Social Democrats have made some inroads into the Serb, Bosniac, and Croat electorates, Bosnia is saddled with an ethnically based party system. Such a system does not provide the basis for effective cooperation among the three groups or the prospect that the transition to a self-regulating state will be a

38. European Commission for Democracy Through Law, “Opinion on the Constitutional Situation in Bosnia and Herzegovina and the Powers of the High Representative,” (March 2005), www.venice.coe.int/SITE/DYNAMICS/N_RECENT_EF.ASP?L=E&TITLE1=62ND%20PLENARY%20SESSION&TITLE2=62E%20SESSION%20PLÉNIÈRE.

39. Sumantra Bose, *Bosnia after Dayton: Nationalist Partition and International Intervention* (Oxford: Oxford University Press, 2002), 117.

40. Donald Horowitz, *Ethnic Groups in Conflict* (Berkeley, Calif.: University of California Press, 1985); and Paul Mitchell, “Party Competition in an Ethnic Dual Party System,” *Ethnic and Racial Studies* 18 (October 1995), 773–793.

simple matter. Nor will such a system quickly change in the absence of a genuine political breakthrough.

This pattern was again demonstrated in the October 2006 elections. International observers noted that the election campaign was “marked by sharp nationalist rhetoric and occasional inflammatory statements.”⁴¹ The election of wartime prime minister and foreign minister Haris Silajdzic as the Bosnian member of the presidency has upset both Serbs and Croats. Silajdzic has called for the further integration of Bosnia as a unitary state without entities, while even moderate Serb politicians such as Milorad Dodik have been raising the question of independence and have resisted international efforts at centralizing reforms.⁴² The split of the Croat HDZ in Bosnia into two distinct parties in advance of the elections paved the way for the victory of Social Democrat Zeljko Komsic as the Croat member of the presidency. The defeated HDZ incumbent, Ivo Miro Jovic, initially said that he would not relinquish his post because Komsic “did not get a vote from a true Croat.”⁴³

Intervention of a New Type

Well over ten years of Dayton implementation have not brought Bosnia very close to achieving the status of a self-regulating state in which the three political leaderships concur—either with each other or with the OHR—on the basic understanding of their government. The absence of this common understanding has made much more difficult the international community’s attempts to transform politically contentious issues into the cold issues of administration. True, some long and tortuous negotiations have led to modest successes: for example, in the evolution of political and administrative institutions, economic development, Bosnian integration into a range of European institutions, reforms in the military and police forces, the return of refugees, efforts to build a more central government apparatus, and efforts to reform the Dayton constitution. But none of these successes has become self-regulating or institutionalized, and each step forward in Dayton implementation depends heavily on enormous international pressure on Bosnian officials. It is no surprise that this pressure has not yielded much fruit. A recent USAID study on civil society concluded that “the international community continues to drive the development and agenda of civil society,” that beyond a narrow critical mass of NGOs in and near the large

41. Statement of Preliminary Findings and Conclusions, International Election Observation Mission, Bosnia and Herzegovina—General Elections, October 1, 2006, www.osce.org/documents/odihr/2006/10/20826_en.pdf, 2, 5.

42. RFE/RL Newswire, Southeast Europe Report, May 25, 2007.

43. RFE/RL Newswire, Southeast Europe Report, October 4, 2006, www.rferl.org/newswire/2006/10/4-SEE/see-041006.asp.

urban centers, capacities of NGOs remain “limited,” and that “domestic funding sources . . . are extremely limited.”⁴⁴

It also appears that post-Dayton Bosnia has not been very effective at governing. The last official population census took place in 1991, before the war. As of March 2005, well over three hundred thousand people remained internally displaced within Bosnia.⁴⁵ It also appears that the influence of wartime conditions remains in the countryside, which is wracked with increasing poverty and decreasing employment diversity. One study showed that 40 percent of households are unable to afford necessary health care, that more than half have family members in poor health, and that household spending on education continues to decrease.⁴⁶ In other words, all evidence points to an odd type of normalization or equilibrium in Bosnia that neither spells the return to the prewar status quo ante nor signals the development of a viable government that can serve as a reliable international partner within NATO or the European Union. And international organizations that remain in Bosnia are the only guarantors of that equilibrium.

Even with its commanding formal position in post-Dayton Bosnia, the international community in residence appears to be in a relatively weak position to compel nationalist leaders among the Serbs, Croats, and Bosniacs. Senior international officials in the OHR, the OSCE, the United Nations, SFOR, and national agencies actually have relatively low stakes in the outcome of any particular operation in Bosnia as long as developments can be framed in the language of progress in their reports to headquarters, thereby justifying funding for programs in subsequent years. International administrators have personal agendas of advancing their own careers, organizational agendas of ensuring that they get credit for the progress being made, and overall agendas of contributing to a stable and democratic Bosnia. They place Bosnia in the broader context of their own government’s foreign policies, which concern the larger European security architecture, the domestic elections in their home countries, the policies toward the United Nations, Europe, and the like. Over the past decade, Bosnia has lost its luster as donors have fled to newly urgent international crises.

44. Catherine Barnes, Milan Mrdja, Selma Sijrcic, and Mirjana Popovic, *Civil Society Assessment in Bosnia and Herzegovina* (Sarajevo: USAID/BiH, 2004).

45. Norwegian Refugee Council, Global IDP Project, “Bosnia-Herzegovina: Statebuilding Key to Overcome Ethnic Division and Solve Displacement Issue,” [www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/5E2544D376C9EE13C12570CA003A1496/\\$file/Bosnia_overview_mar05.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/5E2544D376C9EE13C12570CA003A1496/$file/Bosnia_overview_mar05.pdf).

46. Elizabeth Stites, Sue Lautze, Dyan Mazurana, and Alma Anic, *Coping with War, Coping with Peace: Livelihood Adaptation in Bosnia-Herzegovina, 1989–2004*, Report of the International Famine Center, Friedman School of Nutrition Science and Policy (Medford, Mass.: Tufts University, April 2005), nutrition.tufts.edu/pdf/research/famine/bosnia_livelihoods_study.pdf.

The leaderships of all three Bosnian groups treat developments at home as an urgent and definitional matter, not as negotiations to be placed in a broader European context. They all blend the romantic's attachment to their nation and soil with the realist's appreciation of strategy and tactics and to their deep desire to retain their positions and privileges. The Bosnian leaders cooperate with international organizations when such cooperation advances their own goals and/or when their noncooperation could threaten their removal. However, international officials find it easier to compel Bosnian officials to reach "significant agreements" than to convince those same officials to implement the agreements. The nationalist leaders have learned that failing to conclude an agreement can lead to severe penalties, such as removal by the High Representative, although even this penalty is muted by the tremendous influence that fired officials can continue to exert over policy—and without any formal, international oversight. In addition, the very act of concluding an agreement can actually substitute for the implementation of the agreement in the short to medium term. Recalcitrant leaders "work the output side" of the agreement by devising administrative resistance to that which they did not wish to sign in the first place. It is clear that the well-endowed international community has been forced to pay close attention to its political resources so that it could gain leverage over the three Bosnian parties in almost all instances of policymaking.

The international tactics for governance have prioritized immediate success over the longer-term capacity building of the individual institutions in Bosnia.⁴⁷ The High Representative compensated for his weakness in two basic ways. First, he won extraordinary powers at a meeting of the Peace Implementation Council in Bonn in December 1997, which enable him to override Bosnian institutions to pass legislation and to remove domestic officials from office. At that meeting in Bonn, the council concluded that the "High Representative can facilitate the resolution of difficulties by making binding decisions on . . . interim measures to take effect when the parties are unable to reach agreement. . . . [and] actions against . . . officials . . . found by the High Representatives to be in violation of legal commitments under the peace agreement."⁴⁸ This allowed the OHR to break deadlocks and pass legislation. Between December 1997 and October 2006, this tool of external governance was employed 811 times, at a rate of almost eight decisions per month.⁴⁹ A great deal of significant legislation has been passed via the High

47. See Richard Caplan, "Partner or Patron? International Civil Administration and Local Capacity-building," *International Peacekeeping* 11 (Summer 2004): 229–247.

48. See Web site for the Office of the High Representative, www.ohr.int/pic/default.asp?content_id=5182#11.

49. For a listing of each decision, see Web site for the Office of the High Representative, www.ohr.int/decisions/archive.asp. In this reporting period of 106 months, the High Representative took 811 decisions.

Representative's Bonn Powers, including that related to adoption of the flag, the currency, a common license plate, and the like. In the period reported above, the High Representative removed from power 168 officials—mainly Serb and Croat nationalists—who were seen as unsupportive of Dayton implementation.

Second, the Bonn powers were linked to an additional tactic—that of conditionality in which international assistance was given to parties that cooperated with the international community. In practice, this has meant that the RS has not benefited as much from assistance as have the other two parties. On one hand, the Bosniacs in the Federation have been relatively cooperative, in good measure because their goal of strengthened central institutions is in harmony with Dayton's putative goal of a multiethnic Bosnia in which the entities are very much a part of the state institutions. The Croats have been in a better position to win alternative sources of support from abroad—whether from an HDZ-led government in Zagreb or from the well-developed émigré networks that have supported the advancement of exclusivist Croat interests within Bosnia. But the Serbs' patron of Serbia—under consistent pressure from the international community that intensified over Kosovo in 1999—is in a relatively weak position to compensate materially for the absence of international support. Nonetheless, Serb leaders in the RS invariably look to Belgrade for leadership and place the RS squarely in an all-Serbian context by claiming that granting even supervised independence to Kosovo could set a precedent for the RS.

International officials find themselves in a difficult position: although international pressure can force the Bosnian ethnic leaderships to go along with policies they find unpleasant, this pressure has not been artfully employed to help to build effective state institutions. It is common to read that the use of Bonn powers undermines the authority of Bosnian officials elected under Dayton's rules and does little to support the development of a self-regulating and stable state that has passed through its transition.⁵⁰ In fact, the Bonn powers may have reinforced the political attraction of regional centers of ethnic authority in Zagreb and Belgrade over state authority in Sarajevo. As a result, they symbolize the fragility of the Dayton institutions.

Conclusion: Replacing Exit with Engagement?

At the time of this writing, there seems to be no end to building the Bosnian state—a goal that seems culturally akin to the Cold War's building of

50. Elizabeth Cousens, "Missed Opportunities to Overcompensation: Implementing the Dayton Agreement on Bosnia," in *Ending Civil Wars: The Implementation of Peace Agreements*, ed. Stephen Stedman, Donald Rothchild, and Elizabeth M. Cousens, 531–566 (Boulder, Colo.: Lynne Rienner Publishers, 2002).

socialism in European Leninist states. The history of Bosnia's brief post-Dayton transition is complex. The official history of the Bosnian transition written by international officials is one of optimism and good prospects, of a peace that has not been broken since late 1995, of tensions that have been dispelled, and of the confidence that has been built. But it is also a history of missed opportunities—to detain PIFWICS, to engage the victims' groups that have been mobilized against the international community, and to establish security for the development of normal state institutions. Bosnia is riddled with formal successes whose reality does not equal the tale told in reports to headquarters. This is clear in the very difficult and slow implementation of police reform and constitutional reform, and in efforts to create the conditions for minority refugees and IDPs to return to their homes in safety and dignity. Furthermore, it is seen in optimistic efforts to advance Bosnian membership in a range of international and European organizations meant to mentor Bosnian officials to the norms and values of these organizations.

In a sense, the history of post-Dayton state building is about the evolution of an unusual and modern protectorate in which international organizations have played and continue to play central formal roles in the everyday affairs of government and administration.⁵¹ It is one whose institutions continue to evolve and where governance continues to improve, albeit slowly. And while it is true that the High Representative has limited capacity to compel recalcitrant nationalist leaders to sign on to policies that undercut their influence and way of life, international officials continue to hold the strongest hand in the bargaining over the future of Bosnia as a European country. There are few signs that international organizations active in service delivery and capacity building are about to pack up and leave Bosnia. In fact, if Bosnia is to be a serious candidate for accession to the European Union, there will be increasing numbers of international officials throughout the country.

Here it is important for international officials to accept a long-term engagement in Bosnia. They can learn patience. They can find ways to make themselves accountable to the Bosnian publics for their performance beyond their accountability to their headquarters in New York, Brussels, and elsewhere. They can develop a policy of engagement that retains the mandate to support the development of stable and democratic institutions and works more effectively with Bosnian officials in formulating and implementing policies.⁵²

At the current juncture, this implies specific steps to detain important PIFWICS, such as Radovan Karadzic and Ratko Mladic, as a crucial step in

51. See Mark Baskin, "Review Article, Post-conflict Administration and Reconstruction," *International Affairs* 79, no. 1 (2003): 161–170.

52. See Mark Baskin, "Between Exit and Engagement: On the Division of Authority Between International and Domestic Institutions in Transitional Administrations," *Global Governance* 10, no. 1 (2004): 119–137.

putting the war behind. International officials can take steps to ensure that the police and judiciary function in harmony with international norms and practices. They can assist in the improvement of administration and security, in the efficient management of firms, and in the development of sound investment policies. They can listen more clearly to how to address problems such as unemployment and social welfare, a key skill in building an effective democracy. Finally, they can encourage Bosnian policymakers to think about sovereignty in new ways, in which officials in domestic and international organizations divide their labor so as to benefit their Bosnian constituents. In this sense, the challenge for the international community is to find a way to be both constructive and relevant as Bosnia attempts to move beyond its interim government. There is far less mystery about these measures that would help Bosnia to become a self-sustaining, European government than about the specific steps that would be needed to transcend the flaws in Dayton's initial design and to adjust international expectations to the realities in Bosnia.